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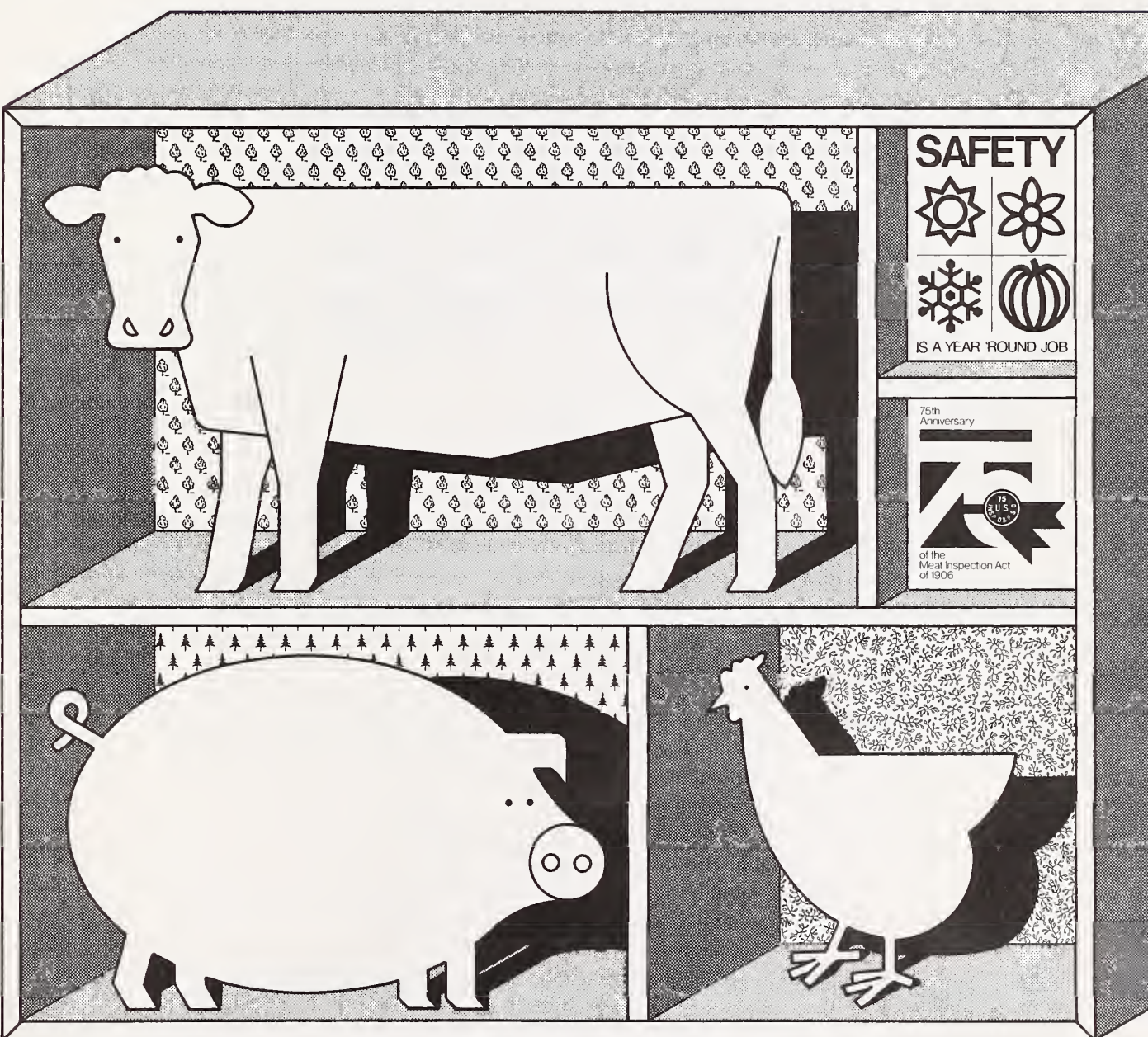
Food Safety
and Quality
Service

Meat and Poultry,
Inspection
Program

June 1981

Issuances of the Meat and Poultry Inspection Program

U.S. DEPT. OF AGRICULTURE
JUN 10 '81
CURRENT SERIAL RECORDS



MAY 1981

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

Meat and Poultry Inspection Manual

MAY 1981

CHANGE: 81-4/5

MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page	Numbered
261-1 and 261m	261-1 and 261m	81-4/5

Pen-and-Ink Changes

1. Page 2, section 3.3, line 5, change "mandaotry" to "mandatory".
2. Page 230a, section 22.24(a)(1), change the address to:

Chief, Standards and Labels
Meat Hygiene Division
Halldon House
Agriculture Canada
2251 Carling Avenue
Ottawa, Ontario KIA 0Y9
3. Page 244, section 22.29(b)(4), line 2 should be changed to read as follows:
"Animal organs, including organs from swine, intended for pharmaceu-"
4. Page 248, section 22.35(b)(2), line 3, cross off the words "additional label" and add the word "insert".
5. Page 257, section 22.38(e)(2)(ii), line 4, change "a" to "(i)".
6. Page 261v, section 22.78(b), add a new paragraph immediately following paragraph two to read as follows:

"The products are fit for human consumption and every precaution has been taken to prevent contamination prior to export."

Part 22

that received ante- and post-mortem inspection and were found free of disease at time of slaughter."

Undenuded rumen pillars may be exported, provided they are:

1. From carcasses passed for human food.
2. Collected immediately after emptying rumen of loose contents.
3. Characteristically inedible by natural appearance or by the application of powdered charcoal.
4. Labeled "Inedible (species) Rumen Pillars" and include (1) packer's name, address, and establishment number without official inspection legend, (2) net weight (in pounds), (3) "keep frozen," or "keep refrigerated," as applicable, and (4) "For Export to South Korea."

22.55 LEBANON

Meat Products

Processed products shall bear manufacture date on immediate container. If coded, explain each code on export certificate.

22.56 LIBYA

Poultry Products

Issue MP Form 506 for frozen poultry. Sanitary certificates will be prepared by regional office, and returned to the supervisor for distribution (see France).

22.57 LUXEMBOURG

Meat Products

Issue MP Form 412-3.

Byproduct. Byproducts such as livers must individually bear marks of inspection.

22.58 MALAYSIA

(a) Meat Products

(1) Certification. MP Form 412-3 shall be accompanied by a veterinary certificate on USDA letterhead stating:

a. The country was free from foot-and-mouth disease and rinderpest for 12 months immediately before slaughter of animals from which products were derived.

b. Meat or meat food products derived from animals subjected to ante- and post-mortem examinations and were free from infectious and contagious disease; products for export to Malaysia are fit for human consumption; and every precaution has been taken to prevent contamination before export.

c. In case of pork or pork products, a further veterinary statement is required certifying that the country or district was free of swine fever (hog cholera) during the past 6 months. "District" has been interpreted to mean a State or county. This statement is not required for canned pork products or lard.

d. A veterinarian must sign all certificates (followed by his degree, such as D.V.M.). The signature must be impressed with the official seal of the United States Department of Agriculture, Meat and Poultry Inspection Program.

(2) Permit. An import permit is required from the State veterinary officer permitting the importation of such product into Malaysia.

(b) Poultry Products

(1) Fresh/frozen. For all poultry, the MP Form 506 shall be signed by an MPI veterinarian and contain the following statement: "The (poultry) products were derived from (poultry) subject to ante- and post-mortem examinations and have been found to be free from infectious and contagious disease. The (poultry) products are fit for human consumption, and every precaution has been taken to prevent contamination prior to export. Foot and mouth disease has not existed since 1929, and rinderpest has never existed in the United States."

(2) Cooked. Only hermetically canned cooked poultry may be exported without the certification statement specified immediately above.

22.59 MALTA

Poultry Products

Issue MP Form 506 without additional statements for all shipments.

22.60 MARTINIQUE

Exports to Martinique, French West Indies, must meet the same requirements as those destined to France. However, when codes are used in lieu of actual dates on cartons or cans of product to be sold at retail or institutional levels, the exporter must furnish such codes in advance to the Director des Veterinaires, Direction Departmental de L'Agriculture, Boulevard General Charles de Gaulle, Fort-de-France, Martinique.

22.61 MEXICO

Meat Products

Five copies of the export certificate are required. The fifth copy should be a photostat of the original.

Unscalded stomachs. See 22.17(b).

22.62 MONACO

Monaco is considered to be part of French territory. Therefore, all sanitary and customs regulations for Monaco are the same as for France.

22.63 NETHERLANDS

(a) Meat Products

- * Issue MP Form 124 (processing block
- * must be filled in--use address of
- * plant boxing product as processing
- * plant address) for fresh/frozen meat and MP Form 412-9 for processed meat food products.

(1) Fresh product. The following fresh and frozen products from animals slaughtered in USA are eligible for entry:

a. Beef cuts, with or without bone, weighing at least 6.6 pounds. Individual cuts weighing a minimum of 6.6 pounds are permitted only on air freight shipments not exceeding 3,000 pounds.

b. Beef tails and beef or horsemeat tenderloins of any weight.

c. Pork bellies, ham, shoulders, and loins.

d. Fresh lamb, mutton, or horsemeat, individual cuts weighing not less than 6.6 pounds.

e. Byproducts--livers, kidneys, tongues, stomachs (without mucous membrane; no omas), intestines, brains, hearts, spleens, cleaned gullets, ears, feet, thymus, and pancreas.

(2) Inspection marks. Livers of all species must be branded with hot iron.



UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND QUALITY SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

MEAT AND POULTRY INSPECTION REGULATIONS

MAY 1981

CHANGE: 81-1/2/3/4/5
(This includes changes
January through May)

MAINTENANCE INSTRUCTIONS

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SUBCHAPTER A - MANDATORY MEAT INSPECTION		
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205	205	81-1/2/3/4/5
206	206	80-1/2

§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

PART 330-[RESERVED]

PART 331-SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES;
AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH
AND FOR SUCH DESIGNATED ESTABLISHMENTS

AUTHORITY: The provisions of this Part 331 issued under secs. 21, 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

SOURCE: The provisions of this Part 331 appear at 35 F.R. 1967, Dec. 29, 1970, unless otherwise noted.

§ 331.1 Definition of "State".

For purposes of this Part, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

Effective date of application
of Federal provisions

* Arkansas.....	June 1, 1981	*
California.....	April 1, 1976	
Colorado.....	July 1, 1975	
Connecticut.....	October 1, 1975	
Guam.....	January 21, 1972	

(§ 331.2 continued)

Kentucky.....	January 14, 1972	
* Maine.....	May 12, 1980	*
Massachusetts	January 12, 1976	
Minnesota.....	May 16, 1971	
Missouri.....	August 18, 1972	
Montana.....	April 27, 1971	
Nebraska.....	October 1, 1971	
Nevada.....	July 1, 1973	
New Hampshire.....	August 6, 1978	
New Jersey.....	July 1, 1975	
New York.....	July 16, 1975	
North Dakota.....	June 22, 1970	
Northern Mariana Islands.....	October 29, 1979	
Oregon.....	July 1, 1972	
Pennsylvania.....	July 17, 1972	
Puerto Rico.....	June 18, 1971	
Tennessee.....	October 1, 1975	
Virgin Islands.....	November 27, 1971	
Washington.....	June 1, 1973	

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 302.1(a)(2) of this subchapter, shall obtain approval of plant drawings as specified in § 304.2 of this subchapter within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations of this subchapter.

(c) Section 308.4 of this subchapter shall apply to such establishments, except that separate toilet rooms for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house

(§ 331.5(a) continued)

(1) Any meat or meat food product prepared at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a disease transmissible to humans and its condemnation would be required under Part 309 or 310 of the Federal meat inspection regulations (9 CFR Parts 309, 310) at federally inspected establishments; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected establishments); or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example if insects or vermin are not effectively controlled at the establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by a Program inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of titles I and IV of the Act as though engaged in commerce.

(§ 331.5(b) continued)

(3) Thereafter the Program inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with Part 329 of this subchapter: Provided, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of Act and Regulations	Classes of Operators	State	Effective Date of Designation
Act, 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or pre- paring, freezing, packaging or labeling, any livestock car- casses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, whole- saler or otherwise), transporting or storing any live- stock carcasses or parts or products	California	4-1-76
		Colorado	7-1-75
		Connecticut	10-1-75
		Guam	11-19-76
		Kentucky	4-18-73
		Maine	2-9-81
		Massachusetts	1-12-76
		Minnesota	1-31-75
		Missouri	1-31-75
		Montana	1-31-75
		Nebraska	1-31-75
		Nevada	1-31-75
		New Hampshire	10-29-79
		New Jersey	7-1-75
		New York	7-16-75
		North Dakota	7-23-73
		N. Mariana I.	10-29-79
		Oregon	1-31-75
*		Pennsylvania	5-2-74
		Puerto Rico	11-19-76
		Tennessee	10-1-75
		Virgin Is.	11-19-76
*		Washington	1-31-75

thereof; or (3)
business as a
renderer, or in the
business of buying,
selling, or trans-
porting any dead,
dying, disabled, or
diseased livestock
or parts of carcasses
of any livestock that
died otherwise than
by slaughter.

Act, 203; § 320.5.

Persons engaged (not	California	4-1-76	
in or for commerce)	Colorado	7-1-75	
in business as a	Connecticut	10-1-75	
meat broker; renderer;	Guam	11-19-76	
animal food manu-	Kentucky	4-18-73	
facturer; whole-	Maine	2-9-81	*
saler or public	Massachusetts	1-12-76	
warehouseman of	Minnesota	1-31-75	
livestock car-	Missouri	1-31-75	
casses, or parts or	Montana	1-31-75	
products thereof;	Nebraska	1-31-75	
or buying, selling,	Nevada	1-31-75	
or transporting any	New Hampshire	10-29-79	
dead, dying, disabled	New Jersey	7-1-75	
or diseased live-	New York	7-16-75	
stock, or parts	North Dakota	7-23-75	
of carcasses of any	N. Mariana Is.	10-29-79	
such livestock that	Oregon	1-31-75	
died otherwise than	Pennsylvania	5-2-74	
by slaughter.	Puerto Rico	11-19-76	
	Tennessee	10-1-75	
	Virgin		
	Islands	11-19-76	
	Washington	1-31-75	
Persons engaged (not	Connecticut	10-1-75	
in or for commerce)	Guam	11-19-76	
in the business of	Kentucky	4-18-73	
buying, selling, or	Maine	2-9-81	*
transporting any	Massachusetts	1-12-76	
dead, dying, dis-	Minnesota	1-31-75	
abled or diseased	Montana	1-31-75	
animals, or parts	Nevada	1-31-75	
of carcasses of	New Hampshire	10-29-79	
any animals that	New Jersey	7-1-75	
died otherwise	New York	7-16-75	
than by slaughter.	North Dakota	7-23-75	
	N. Mariana Is.	10-29-79	
	Oregon	1-31-75	
	Pennsylvania	5-2-74	
	Puerto Rico	11-19-76	
	Virgin		
	Islands	11-19-76	
	Washington	1-31-75	

Act, 204; §§ 325.20
and 325.21.

*

PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS
UNDER THE FEDERAL MEAT INSPECTION ACT

Authority: 34 Stat. 1264, as amended; 21 U.S.C. 621.

Subpart A - General

§ 335.1 Scope and applicability of rules of practice.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 4, 6, 7(e), 8, and 401 of the Federal Meat Inspection Act (21 U.S.C. 604, 606, 607(e), 608 and 671). In addition, the Supplemental Rules of Practice set forth in Subpart B of this Part shall be applicable to such proceedings.

(b) The rules of practice set forth in Subpart C of this Part shall be applicable to the suspension of assignment of inspectors for threats to forcibly assault or forcible assault, intimidation or interference with any inspection service employee pursuant to section 305.5(b) of the regulations (9 CFR 305.5(b)) under the Federal Meat Inspection Act. In addition, the definitions applicable to proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply with equal force and effect to proceedings under Subpart C.

* (c) The rules of practice set forth in Subpart D of this Part shall be
* applicable to the suspension of assignment of inspectors under section 3(b)
* of the Act (21 U.S.C. 603(b)). In addition, the definitions applicable to
* proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply
* with equal force and effect to proceedings under Part 313.

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Subpart B - Supplemental Rules of Practice

§ 335.10 Refusal or withdrawal of inspection service under section 401 of the Act.

If the Administrator has reason to believe that the applicant for or recipient of service under Title I of the Act is unfit to engage in any business requiring such inspection because of any of the reasons specified in section 401 of the Act, he may institute a proceeding by filing a complaint with the Hearing Clerk, who shall promptly serve a true copy thereof upon each respondent, as provided in section 1.147(b) of the Uniform Rules of Practice (9 CFR 1.147(b)).

§ 335.11 Withdrawal of inspection service for failure of an establishment to destroy any condemned carcass or part thereof or any condemned meat or meat food product.

(a) In any situation in which the Administrator has reason to believe that an establishment which receives inspection service under Title I of the Federal Meat Inspection Act has failed to destroy any condemned carcass or part thereof or any condemned meat or meat food product, as required under sections 4 and 6 of the Federal Meat Inspection Act (21 U.S.C. 604 and 606) and the regulations in this subchapter, he may notify the operator of the establishment, orally or in writing, of the Administrator's intent to withdraw (for such period or indefinitely as the Administrator deems necessary to

Food Safety and Quality Service**9 CFR Parts 303 and 381****(Docket No. 81-014)****Federal Meat and Poultry Products Inspection; Exemptions for Retail Stores****AGENCY:** Food Safety and Quality Service, USDA.**ACTION:** Notice of adjustment of dollar limitations.

SUMMARY: This notice announces that the annual dollar limitations currently in effect for sales of meat and poultry products by retail stores, exempt from routine Federal inspection, to nonhousehold consumers such as hotels, restaurants, and similar institutions have been adjusted upwards to conform with price increases for meat and poultry products as indicated by the Consumer Price Index. The adjustments raise the present dollar limitations to \$27,800 per calendar year for meat products and to \$22,200 per calendar year for poultry products.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION:**Background**

Federal inspection of meat and poultry products prepared for sale and distribution in commerce and in certain designated States is required by law and administered by the Food Safety and Quality Service (FSQS). However, section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) state that the general requirement of routine Federal inspection "... shall not apply to operations of types traditionally and usually conducted at retail stores . . . when conducted at any retail store . . . for sale in normal retail quantities . . . to consumers. . . ."

The Department has enacted extensive regulations to determine whether retail stores qualify for exemption from routine Federal inspection under these Acts (9 CFR 303.1(d) and 381.10(d)). Whether or not an establishment is deemed by the Agency to be an exempt retail establishment depends, in part, upon the level of its trade with nonhousehold

consumers, such as hotels, restaurants and similar institutions. Accordingly, Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat and poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. For meat products, the maximum amount has been set at \$27,000 per calendar year. For poultry products, the amount has been set at \$21,100 per calendar year.

The Federal meat and poultry products inspection regulations further provide that the dollar limitations on the sales of meat and poultry products by exempt retail stores to nonhousehold consumers will be automatically adjusted during the first quarter of each calendar year, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change of at least \$500, upward or downward (9 CFR 303.1(d)(2)(iii), and 381.10(d)(2)(iii), as amended on April 25, 1980 (45 FR 27919-27922)).

The Consumer Price Indexes for 1980 have been published by the Bureau of Labor Statistics, and, for that year, they indicate a price increase in meat products of 3 percent and in poultry products of 5 percent. As a percentage of the existing dollar limitations, a change in excess of \$500 is indicated for both meat and poultry products. When rounded off to the nearest hundred, the price increases amount to \$800 for meat products and \$1,100 for poultry products.

§§ 303.1 and 381.10 (Amended)

Accordingly, pursuant to the regulations, FSQS has automatically raised the dollar amount of permitted sales of meat and poultry products to nonhousehold consumers by establishments desiring status as retail establishments exempt from Federal inspection requirements. The adjustments raise the dollar limitations on meat products specified in § 303.1(d)(2)(iii)(b) from \$27,000 to \$27,800 and on poultry products specified in § 381.10(d)(2)(iii)(b) from \$21,100 to \$22,200. These higher limitations are effective for the calendar year 1981.

Done at Washington, D.C., on May 5, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-14789 Filed 5-14-81; 9:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[Docket No. 81-015N]

Analyses of Pumped Bacon for Nitrosamine Content; Change in Methodology

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice.

SUMMARY: This notice describes a minor change in the separation process for the Thermal Energy Analyzer analysis used by the Food Safety and Quality Service (FSQS) in determining the nitrosamine content of cooked pumped bacon.

FOR FURTHER INFORMATION CONTACT: Richard L. Ellis, Director, Chemistry Division, Science Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7623.

SUPPLEMENTARY INFORMATION: Section 318.7(b)(2) of the Federal meat inspection regulations (9 CFR 318.7(b)(2)) requires a monitoring program to detect nitrosamine levels in cooked pumped bacon (i.e., bacon prepared by the injection of curing solutions). Accordingly, FSQS collects and cooks samples of bacon from producing establishments in a manner specified in this regulation. The bacon is then tested by FSQS using a Thermal Energy Analyzer (TEA). In certain instances specified in this regulation, federally inspected meat packers may also submit to FSQS test results achieved using the same methods and procedures.

Since the inception of the monitoring program, FSQS has been using a process known as the two-trap method for separating the nitrosamine from the cooked bacon sample prior to the injection into the TEA. FSQS has completed a collaborative study with

various private laboratories which shows that the use of a one-trap method yields comparable analytical data to the two-trap method and achieves savings in both time and expenses.

FSQS, therefore, will commence using this one-trap method immediately in its TEA analyses under the monitoring program. Meat packing establishments submitting test results to FSQS may use either the one-trap method of the two-trap method in their TEA analysis.

Copies of both methods are available free from the Chemistry Division, Science Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on April 24, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-12808 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-DM-M

Food Safety and Quality Service**9 CFR Part 313****[Docket No. 80-044N]****Water Availability for Livestock at Slaughter Establishments****AGENCY:** Food Safety and Quality Service, USDA.**ACTION:** Notice of decision not to propose rulemaking.

SUMMARY: On September 12, 1980, the Food Safety and Quality Service requested information on the humane watering needs of livestock. The action was taken in response to industry petitions that questioned a departmental regulation that requires water to be available for animals in holding pens at slaughter establishments. Letters from industry generally voiced concern about the cost and need for installing watering facilities in livestock holding pens, while comments from other segments of society supported the requirements. The Agency has determined that the regulations requiring that water be available in holding pens will remain in effect, but notes that compliance with the regulations will not necessarily impose burdensome costs on the industry.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION: On November 30, 1979, the Food Safety and Quality Service (FSQS) published final regulations (44 FR 68809-68817, 9 CFR Part 313) to adopt humane slaughtering and handling practices with respect to livestock in accordance with the Humane Methods of Slaughter Act of 1978 (Pub. L. 95-445, Sec. 21 U.S.C. 603, 610, 620). During the development of those regulations, the Department considered comments suggesting that animals have feed and water available as soon as they arrive at the holding pens of the slaughter establishment. As finalized, the regulations require that water be made available in all holding pens and that feed also be provided in all holding pens if the animal is to be retained longer than 24 hours before slaughter. No comments were received suggesting that there be an option of withholding water from cattle for a period of time prior to slaughter.

Since the regulations were finalized, FSQS has received a petition from Iowa Beef Processors, Inc., requesting that cattle be allowed to be held at the slaughter establishment without water for up to 24 hours before slaughter when this is specified in a sales contract. The petition states that this is a common and traditional method used in the sale and purchase of cattle for slaughter. Under such a contract, the cattle are consigned to and in the custody of the slaughterer, but do not become his property until after the contracted period without feed and water and subsequent weighing. After the weighing, the cattle are slaughtered or returned to pens and watered.

Furthermore, the American Association of Meat Processors has requested that the present requirement for water in pens be changed to allow animals which are to be slaughtered within 24 hours to be withheld from water. It cites the difficulty of keeping pipes thawed in the winter and the maintenance of the drinking troughs and pipes. It claims that animals will not drink in strange surroundings unless they are extremely thirsty and, therefore, are not being mistreated if water is not immediately available.

On September 12, 1980, FSQS published in the *Federal Register* (45 FR 60448) a notice seeking information to assist the Department in evaluating these petitions. By the close of the comment period, the Department had received 636 comments and approximately 200 additional comments after the November 12, 1980, deadline. Comments were received from 37 operators of slaughtering establishments, 4 meat industry associations, 21 humane organizations, 3 State meat inspection officials, 2 universities, and 569 private citizens. These comments are on file in the Regulations Coordination Division, Food Safety and Quality Service, Room 2637, South Agriculture Building, Washington, DC 20250, and are available for public viewing between 8:30 a.m. and 4:30 p.m., Monday through Friday.

Responses from 581 people favored providing water to livestock at the slaughter establishments. Generally, these commenters contended that the withholding of water from animals prior to slaughter was inhumane and unjustified, and that water should be available to these animals at all times.

Forty-seven commenters favored withholding water from livestock at slaughtering establishments, primarily on the basis that it would be economically beneficial to both the industry and consumers due to the expense in providing water and

watering facilities, and the maintenance necessary for the watering facilities. Several responses indicated that withholding water from livestock to be slaughtered within 24 hours would not have any adverse effect on the livestock nor the meat quality.

A University of Missouri scientist sent two research papers for consideration without expressing an opinion, and seven comments did not address the subject in question.

The comments do not provide information adequate to support any conclusion concerning the watering requirements of livestock on their way to slaughter. Only three comments made reference to research conducted on livestock watering and deprivation of water. Most of this research applied to cattle under feedlot and range conditions and cannot be directly related to the short-term humane holding of livestock at slaughter establishments. Two research papers dealt with the amount of weight lost by cattle during various lengths of transportation and water deprivation. This information does not relate to the question of humane holding of animals for slaughter.

Certain conclusions can be drawn from the research conducted on feedlot and range cattle about how much water is consumed under different climatic conditions and frequency of drinking. Cattle drink about three times a day and consume from 2.5 to 12 gallons daily. This shows that cattle consume large amounts of water, but since this data applies to growing and fattening animals, it does not have any direct bearing on what is, in fact, humane in regard to watering. FSQS conducted a literature search for relevant information that would clarify the humane aspects of livestock watering. Unfortunately, the search was unsuccessful as the available information does not appear adequate to determine if less than free access to water would be humane.

The information gleaned from the literature only confounded the issue more. For example:

1. There is an apparent difference between species on the amount of water deprivation each can experience without obvious discomfort. Cattle and swine have little adaptation to lack of water and need supplemental water for survival. Sheep have a higher tolerance for lack of water than do cattle and swine.

2. Individual animals of the same species may have different water needs depending on their state of health and the length of time since their last drink.

In view of the variations in water needs between species and individuals within species, assessing when and how water should be made available to livestock for humane reasons becomes very difficult.

Therefore, the Agency concludes that these comments have not provided a sufficient basis for changing the requirements in 9 CFR 313.2(e) that animals shall have access to water in all holding pens. The Department will enforce its regulations under the Humane Methods of Slaughter Act as promulgated.

However, FSQS wishes to allay any concerns on the part of the livestock industry that unreasonable and unnecessary expenses will be imposed as a result of the access to water requirement. Many of the comments from industry reflect a concern about the need to install expensive, permanent plumbing in all facilities. The Agency notes that the regulations specify that access to water must be provided only in holding pens. Holding pens refer to those facilities in which animals are held for significant periods of time. The provisions would not apply to those areas to which animals are delivered for prompt slaughter. For example, water would not be required for alleyways or corridors used to facilitate the handling of animals near the slaughtering facility. Further, low volume operations may not need to install permanent plumbing in holding pens. If containers of water are available, the requirement would be complied with. The manner in which water reaches the containers is not specified by the regulations. In sum, compliance with § 313.2(e) will be assessed not merely on the basis of whether plumbing or water containers are installed, but rather will also take into account the animal handling practices and the volume of animals being processed at each facility.

Done at Washington, D.C., on April 20, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

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